

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GARY and SUSAN HARDY,

Plaintiff,

Case Number: 09-11799

v.

JUDGE PAUL D. BORMAN
UNITED STATES DISTRICT COURT

MICHIGAN DEPARTMENT OF TREASURY,

Defendant.

_____ /

ORDER OF DISMISSAL

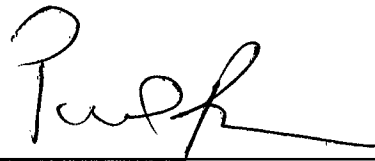
On June 1, 2009, the Court ordered Plaintiffs Gary and Susan Hardy to show cause, within 15 days, that this Court has proper subject matter jurisdiction over the action. (Doc. No. 3). On June 25, 2009, Plaintiffs filed an untimely response to the Court's order, stating that this Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1330. Plaintiffs also asserted that this Court has jurisdiction because they made Freedom of Information Act requests.

Plaintiffs' response to the order to show cause does not establish subject matter jurisdiction. The jurisdictional statute cited by Plaintiffs, 28 U.S.C. § 1330, confers original jurisdiction to the federal courts over matters between U.S. citizens and foreign states. Plaintiffs do not allege any claims against a foreign state; therefore, 28 U.S.C. § 1330 does not establish subject matter jurisdiction. In addition, the fact that Plaintiffs made FOIA requests does not bring this matter within the subject matter jurisdiction of this Court. Plaintiffs have not stated a federal claim, nor is this a diversity action.

This Court also notes that, on July 6, 2009, Plaintiffs filed an amended complaint. Plaintiffs' amended complaint does not state a federal claim, nor do Plaintiffs allege that diversity jurisdiction exists. Plaintiffs' amended complaint, therefore, does not establish subject matter jurisdiction.

This Court does not have subject matter jurisdiction in this matter. Pursuant to Fed. R. Civ. P. 12(h)(3), this Court dismisses this action for lack of subject matter jurisdiction.

SO ORDERED.



PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: 7-17-09
Detroit, Michigan